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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,659	01/02/2002	Tanya Couch	SVL920010074US1/2304P	6531

7590

01/09/2006

SAWYER LAW GROUP  
P.O. Box 51418  
Palo Alto, CA 94303

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 10/037,659	<b>Applicant(s)</b> COUCH ET AL.	
	<b>Examiner</b> Jacob F. Betit	<b>Art Unit</b> 2164	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 21 October 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

Continuation of 10. Other (including any explanation in support of the above items): In the section labeled "Table of Contents", the brief incorrectly states that "Summary of Arguments" begins on page 188. This summary is found on page 18.

In the section labeled "Status of the Claims", the brief provides more information than what is required by 37 CFR 41.37(c)(1)(iii), and therefore, is non-compliant. The brief should be amended to include only "A statement of the [current] status of all the claims in the proceeding ... and an identification of those claims that are being appealed".

In the section labeled "Status of Amendments", the brief should only provide information regarding amendments made subsequent to final rejection as required by 37 CFR 41.37(c)(1)(iv).

In the section labeled "Summary of Claimed Subject Matter", the brief must refer to the drawings by reference characters as required by 37 CFR 41.37(c)(1)(v).

In the section labeled "Arguments", in part "C", the brief incorrectly indicates that claims 1-5, 10-12, 14-17, 22-24, 26-31, 36-38, 40-43, 48-50, 52-58, 64-65, and 67-90 are independent claims. Only claims 1, 27, 53, 67, 75, and 83 are independent. The remainder of these claims either directly or indirectly depend from one of the independent claims.

In Appendix A, 37 CFR 41.37(c)(1)(viii) only requires a copy of the claims involved in the appeal. It does not require status identifiers. The status identifiers, if they were required, still would not comply with the proper status identifiers disclosed in MPEP 714 II C. (A) and do not match acceptable alternative status identifiers given in MPEP 714 II C. (E).